



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: GREEN *et al.*

Confirmation No.: 9556

Application No.: 09/989,169

Group Art Unit: 3732

Filed: November 21, 2001

Examiner: Robert, Eduardo C.

For: ATTACHABLE/DETACHABLE REAMING HEAD FOR SURGICAL REAMER Attorney Docket No.: 8932-583

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed September 23, 2003, Applicants elect the invention of Group I – claims 1-11 drawn to a device for reaming a medullary canal of a bone – for prosecution in this application. Applicants reserve the right to file divisional applications to protect the inventions of Group II.

Applicants traverse to the extent that Applicants believe claims 1-13 should be grouped together. In particular, only claim 14 is directed to a “kit”. As the Examiner is well aware, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” Manual of Patent Examining Procedure § 803 (8th ed. February 2003). Applicants, therefore, respectfully request that claims 1-13 be examined in the present application.

Applicants provisionally elect Species II, as depicted in Fig. 13 for prosecution at this time, with the understanding that the claims shall be restricted to this species only if no claim that is generic is finally held to be allowable. Claims 1-12 are believed to be readable on Species II.

Applicants also traverse to the extent that the species restriction concerning the reamer heads is applied to features other than the exterior features of the respective cutting heads in each set of figures. Other features of the “reamer heads” such as, *inter alia*, a tubular shank, resilient retaining arms, and drive shaft receptor are common to Species I and II.

Applicants also provisionally elect Species B, as depicted in Figs. 22 and 23 for prosecution at this time, with the understanding that the claims shall be restricted to this

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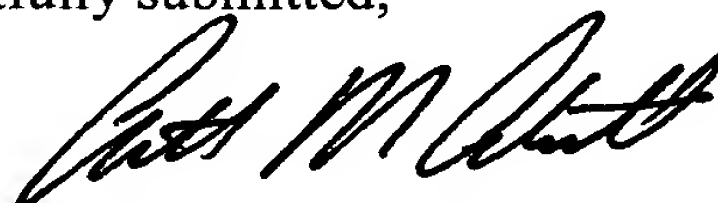
species only if no claim that is generic is finally held to be allowable. Claims 3-11 and 13 are believed to be readable on Species B

In as much as independent claim 1 does not claim a reamer head retainer Applicants respectfully do not appreciate and traverse any restriction to a species of the reamer head retainer.

No fee is believed to be due for this submission. Should any other fees be required, however, please charge all required fees under 37 C.F.R. 1.17 to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

Date October 23, 2003



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Enclosures